

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

TONYA R. LARKINS,

Civil No. 08-35 (RHK/JSM)

Plaintiff,

v.

REPORT AND RECOMMENDATION

I.C. SYSTEM,

Defendant.

Plaintiff commenced this action on January 7, 2008, by filing a civil complaint, and an application seeking leave to proceed in forma pauperis, (“IFP”). (Docket Nos. 1 and 2.) Shortly after the case was opened, the Court examined plaintiff’s pleading, and found it to be deficient in several respects. Therefore, by Order dated January 9, 2008, (Docket No. 3), plaintiff was directed to file an Amended Complaint within 20 days, i.e., by no later than January 29, 2008. The Order expressly advised plaintiff that if she did not file a new pleading by that deadline, the Court would recommend that this action be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b).

The deadline for complying with the Court’s Order of January 9, 2008, has now passed, and plaintiff has not yet filed an Amended Complaint. Indeed, plaintiff has not communicated with the Court at all since she filed her original complaint at the outset of this case. Therefore, the Court now recommends, in accordance with the prior order, that this action be summarily dismissed, without prejudice, pursuant to Fed. R. Civ. P. 41(b). See also Link v. Wabash Railroad Co., 370 U.S. 626, 630-31 (1962) (recognizing that a federal court has the inherent authority to “manage [its] own affairs so as to achieve the orderly

and expeditious disposition of cases”).

Based upon the above, and upon all the records and proceedings herein,

IT IS HEREBY RECOMMENDED that:

1. Plaintiff's Application To Proceed In Forma Pauperis, (Docket No. 2), be **DENIED**;
and
2. This action be **DISMISSED WITHOUT PREJUDICE**.

Dated: February 7, 2008

s/ Janie S. Mayeron
JANIE S. MAYERON
United States Magistrate Judge

Under D.Minn. LR 72.2(b) any party may object to this Report and Recommendation by filing with the Clerk of Court, and serving all parties by February 26, 2008, a writing which specifically identifies those portions of this Report to which objections are made and the basis of those objections. Failure to comply with this procedure may operate as a forfeiture of the objecting party's right to seek review in the Court of Appeals. A party may respond to the objecting party's brief within ten days after service thereof. All briefs filed under this rule shall be limited to 3500 words. A judge shall make a de novo determination of those portions of the Report to which objection is made. This Report and Recommendation does not constitute an order or judgment of the District Court, and it is therefore not appealable directly to the Circuit Court of Appeals.